

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DANILO MERA, on behalf of himself, FLSA  
Collective Plaintiffs, and the Class,

Plaintiff,

- against -

SA HOSPITALITY GROUP, LLC, CAFE  
FOCACCIA, INC., doing business as Felice  
Wine Bar, EIGHTY THIRD AND FIRST  
LLC, doing business as Felice, FELICE  
GOLD STREET LLC, doing business as  
Felice, FELICE CHAMBERS LLC, doing  
business as Felice, FELICE 240, LLC, doing  
business as Felice, FELICE HUDSON, LLC,  
doing business as Felice, FELICE ROSLYN  
LLC, doing business as Felice, FELICE  
MONTAGUE, LLC, doing business as Felice,  
JOHN DOE CORPORATION, doing business  
as Felice, DIMITRI PAULI, and JACOPO  
GIUSTINIANI,

Defendants.

**ORDER**

23 Civ. 3492 (PGG) (SDA)

PAUL G. GARDEPHE, U.S.D.J.:

Plaintiff Danilo Mera is a former employee of Defendant Café Focaccia, a restaurant owned by Defendant SA Hospitality Group, LLC. Mera brings this action against Café Focaccia, other restaurants and corporate entities associated with the SA Hospitality Group, and two individuals who own, operate, or control these restaurants. (Cmplt. (Dkt. No. 1) ¶¶ 8-21)

The Complaint was filed on April 26, 2023. (Cmplt. (Dkt. No. 1)) Plaintiff asserts as against all Defendants (1) wage and hour claims under the Fair Labor Standards Act, 29 U.S.C. §§ 201-219 and the New York Labor Law, §§ 190-199A, 650-655; and (2) hostile

work environment and sexual orientation discrimination claims under the New York State Human Rights Law, N.Y. Exec. L. § 290 et seq. (the “NYSHRL”), and the New York City Human Rights Law, N.Y.C. Admin. Code § 8-101 et seq. (the “NYCHRL”). (Id. ¶¶ 66-98)

On March 20, 2024, all Defendants other than Café Focaccia moved to dismiss Plaintiff’s hostile work environment and discrimination claims for failure to state a claim under Fed. R. Civ. P. 12(b)(6). (Def. Br. (Dkt. No. 56) at 1, 6-10)

On April 5, 2024, Plaintiff moved to voluntarily dismiss his discrimination claims against all Defendants other than Café Focaccia pursuant to Fed. R. Civ. P. 41(a)(2). (See Notice of Voluntary Partial Dismissal (Dkt. No. 58)) The Court granted Plaintiff’s motion for voluntary dismissal on April 9, 2024. (Apr. 9, 2024 Order (Dkt. No. 59))

### **CONCLUSION**

For the reasons stated above, Defendants’ motion to dismiss (Dkt. No. 55) is denied as moot.

The Clerk of Court is directed to terminate the motion (Dkt. No. 55).

Dated: New York, New York  
June 26, 2024

SO ORDERED.

A handwritten signature in black ink, reading "Paul G. Gardephe", written in a cursive style.

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Paul G. Gardephe  
United States District Judge